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International Court of Justice

COM. A.
Take 4 - 15
LESSER
1 July 1946
Kubitz

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

1 July 1946

COMMISSIONER:

Captain Joseph Tubridy.

THE S. S.

(THE COMMISSION CONVENED AT 1630 HOURS.)

HANS JOCHEN KUBITZ, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

Q What is your name?

A Hans Jochen Kubitz.

q You may sit down.

CAPTAIN TUBRIDY: Dr. Hoensel, how much time do you expect to take with this witness?

DR. HOENSEL: We will not be finished today. It is half past four.

CAPTAIN TUBRIDY: How much time will you need?

DR. HOENSEL: One to one and one-half hours and now it is 4:30.

CAPTAIN TUBRIDY: On what subjects are you going to question him?

DR. HOENSEL: It is a very hard question. It is concerning the Germans abroad, the Central Agency of Germans Abroad. In the Prosecution

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speech of the prosecutor Rodenko is the term of a Main Central Office for Racial Germans. We could not explain this word until later on we found out that it was a re-translation of an incorrect English translation out of the German because that was "Main Office Center for Racial Germans." That is not the so-called Volksdeutsche Mittelstelle. The Volksdeutsche Mittelstelle is an agency for funds for German minorities and Germans abroad. That is what we are concerned about.

CAPTAIN TUBRIDY: It wouldn't be possible to question him in half an hour, would it?

DR. HOENSEL: Quite out of the question. The prosecution indictment is very large.

CAPTAIN TUBRIDY: See if you can make it as brief as possible.

DIRECT EXAMINATION

BY DR. HOENSEL:

Q When did you join the SS?

A In 1937 I became a lawyer in the Volksdeutsche Mittelstelle and in that position I received in 1938 the rank of an SS Untersturmfuehrer. In 1942 I was made Chief Referat of that organization and received the title of Sturmbannfuehrer.

Q The Prosecution states that it was the duty of the VDMS to resettle Germans from abroad back to Germany. Is that correct?

A Yes, that is correct. We were given the job of returning Germans abroad in accordance with the decree of the Reichs Chancellor and Fuehrer of the 7th of October 1939, which created the Reichs Commissar for the strengthening of German Nationality.

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Q I present the document which was just mentioned by the witness. It has already been accepted and has the USA Exhibit No. 305. In this decree Himmler, described as Reichsfuehrer-SS has received three new duties, one of which is the above mentioned V olksdeutsche Mittelstelle.

(Document is handed to witness.)

A In this document, point I (1), it states, and I quote: "The Reichsfuehrer-SS will carry out according to my decress the return for permanent stay here in the Reich of those Reich Germans and Germans abroad that are now living in foreign countries.

Q According to the Prosecution the reason for the return of these Germans from the Baltic areas and from Poland was only to have them later on resettled under the command of the German Army or in the area that has been occupied by the German Army. That was supposed to have been the sole reason for the return of these Germans. What do you say about that?

A That is not correct. The first resettlement was started in September 1939 and that was an exchange of persons on the Russian line in Poland and was carried out upon the suggestion of the Soviet Government. The second resettlement was that of the Northern Baltic Nations, that is Lithuania and Estonia, which were resettled according to the decree speech of Hitler of the 6th of October 1939, in which he said that according to discussions between the Russian and German delegations a certain sphere of influence had been created, a line which went through Poland and through Lithuania. I personally at that time was put in charge of this resettlement, that is on the 9th of October 1939, and I can say that at that time there had been no plan whatsoever for the resettlement of the persons that were to return.

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It was therefore that this return was not received very enthusiastically by people since their future was so uncertain. Only about two-thirds were resettled at that time, that is two-thirds of the persons that were eligible for resettlement and the other third were only resettled in 1941, due to an after-resettlement.

MR. ELWYN JONES: I hat to interrupt because interruptions seem to take more time than letting the thing go on, but I really don't think, if I may say so, that this evidence is assisting the Commission at all upon any matter which appears to be before it.

CAPTAIN TUBRIDY: Dr. Hoensel, how is this pertinent to the charges brought against the SS?

DR. HOENSEL: The SS, by way of the Volksdeutsche Mittelstelle is accused of these deportations, which we want to show are actual resettlements. They are mentioned in the trial brief and also in the speech of the Prosecutor Colonel Rodenko. It is very hard to have any kind of evidence concerning this and it is therefore that we have to treat these cases as individual cases. It is a very difficult way of getting evidence but it is evidently the only way. If we continue tomorrow might I suggest that you could look through the trial brief for Col. Rodenko's speech and then you will know exactly what matters I have been talking about.

Q I want to condense my question as much as possible. I just want to point out that there had been distinct agreements with Russia which were carried out.

A I want to state that most of these resettlements were carried out due to official agreements between Russia and Germany, according to which Russia was allowed to resettle its Russian Nationals or members of Russian

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States who were living in German territory back to the Russian territory and according to which German Resettlement ~~Commandos~~ Commissions were allowed to go into Russian area and get those German Nationals who were living in the Soviet Zone. It was just an equal exchange. What we wanted to do most was prevent any kind of friction with that country when we had a peace agreement at that time, that is Soviet Russia, and to make a clear racial border between the two countries, that is, no Germans were to live in the Russian territory and no Russians were to live in the German territory. That, we were told by the Soviet representatives with whom we worked constantly, was also their wish. These resettlements were not carried out solely by German commissions but on both sides of the border there were German-Russian commissions. One could only voluntarily join this resettlement and then only by proving German nationality by presenting documents to this German-Soviet Commission which had to approve them. That was the same with the Commission that resettled people to Russia.

CAPTAIN TUBRIDY: Dr. Hoensel, are you trying to prove that the mass evacuations which are charged by the Prosecution, that those evacuations were the same ~~type~~ as ~~any which~~ this agency of his witness appeared to have been ~~doing~~ handling?

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DR. HOENSEL:
That was not the duty of the Control Office for Funds of German Minorities There were, of course, other resettlements, but I believe this particular one of which we spoke, that is resettlement from the Baltic and Soviet areas, that has been covered sufficiently.

You will understand if I read you only one sentence from the speech of Farr: "The SS was not satisfied only to destroy, deport and confiscate the property of the countries they conquered, but they also settled these areas with so-called racial Germans." Now, I can only disapprove this very point of the prosecution that this resettlement was done according to state decreements with the Soviet union. We are now going to the other side and it will immediately become more interesting.

Further in a speech, Major Farr maintains the SS via the Control Office for Funds of the German Minorities took part in a discussion on July 4, 1942 concerning the recreation of people living in Alsace. This is Exhibit R-114. I ask you did this Control Office for Funds of German Minorities have anything to do with the Alsacian question?

(THE WITNESS IS HANDED DOCUMENT R-114.)
THE WITNESS:
No, the Control Office for Funds of German Minorities as its main phase only had to do with Germans abroad.

CAPTAIN TUBRIDY: May I see the Document?

DR. HOENSEL: It is a copy of Exhibit R-114 referred to by Major Farr, December 19th. I do remember hearing or knowing of such a discussion with the representative of the Control Office for Funds of German Minorities, Sturmbannfuehrer Bruckner. The reason why Sturmbannfuehrer

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Bruckner attended this meeting might have been that certain ~~xxxxx~~ camps within Germany would have been used to house these people and since all the camps within Germany were within the Control Office for Funds of German Minorities, we would have to give up some of our camps.

May I ask one further question and then we are finished with Document 114?

Did the SS and the Control Office for Funds of German Minorities have anything to do with this Alsatian question?

THE WITNESS: No, the only person who was in charge of any matters in that area was the chief of the Civil administration. According to this, the following offices were represented: the staff main office of the Commissar for the strengthening of German nationalists; the Control Office for Funds of German Minorities; the chief of the so-called Ground or Land office; members of the D.U.T. and German law officers who were in charge of all law matters in connection with this resettlement, together with a representative of the Reichs Main Security Office and a member of the Racial and Settlement Main Office of the SS was especially invited. From the minutes of this meeting, it is evident that Gauleiter Wagner, chief of the administration, was the man that demanded this deportation and that the other agencies connected with it did have this particular deportation stayed until the end of the war, therefore, it was never carried out. I know from personal knowledge that due to this drawn out action that the deportation was prevented entirely.

CAPTAIN TUBRIDY: We will adjourn until ten o'clock tomorrow. ~~We will meet tomorrow in Room 396.~~

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The foregoing is a true and correct transcript of the testimony of HANS JOCHEN KUBITZ, taken on 1 July 1946.

Mabel A. Lesser
Reporter (pp 1~~6~~- 5

Alice Meehan
Reporter (pp6-7

CERTIFIED TO :

6 Joseph F Tubridy
Commissioner

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A In this document, point I (1), it states, and I quote: "The Reichsfuehrer-SS will carry out according to my decrees the return for permanent stay here in the Reich of those Reich Germans abroad that are now living in foreign countries.

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Q According to the Prosecution the reason for the return of these Germans from the Baltic areas and from Poland was only to have them later on resettled under the command of the German Army or in the area that has been occupied by the German Army. That was supposed to have been the sole reason for the return of these Germans. What do you say about that?

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CAPTAIN TUBRIDY: Dr. Hoensel, are you trying to prove that the mass evacuations which are charged by the Prosecution,

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CAPTAIN TUBRIDY: We will adjourn until ten o'clock tomorrow.

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The foregoing is a true and correct transcript of the testimony of HANS JOCHEN KUBITZ, taken on 1 July 1946.

Mabel A. Lesser
Reporter

Alice Meehan
Reporter

CERTIFIED TO:

Joseph F. Tubridy
Commissioner